



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov  
DM 08-02

Paper No. 6

OSTROLENK, FABER, GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036-8403

**COPY MAILED**

**AUG 20 2002**

**OFFICE OF PETITIONS**

In re Application of	:	
Saito et al.	:	
Application No. 10/047,025	:	DECISION GRANTING
Filed: 17 January, 2002	:	PETITION
Attorney Docket No. P/16-302 DIV	:	

This is a decision on the renewed petition filed on 12 August, 2002, requesting that the "Notice of Omitted Item(s) in a Nonprovisional Application" mailed 4 April, 2002, in the above-identified application be withdrawn.

The application was filed on 17 January, 2002. However, on 21 February, 2002, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" stating that the application had been accorded a filing date of 17 January, 2002, and advising applicants that Pages 7 & 8 of the specification (description and claims) and Figures 1-17, 20, 24-31, 33-36, 38, 40, 42 & 44-46 described in the specification appeared to have been omitted from the application. The petition filed on 17 April, 2002, was dismissed on 18 July, 2002.

In response, on 12 August, 2002, the present request for reconsideration was filed. Petitioners again assert that Pages 7 & 8 of the specification and Figures 1-17, 20, 24-31, 33-36, 38, 40, 42 & 44-46 were filed with the other application papers deposited on 17 January, 2002, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied on 17 April, 2002. The postcard receipt shows an Office date stamp of 17 January, 2002, and bears the above-identified application number. The postcard identifies the application by the first named inventor's name, invention title, and attorney docket number and acknowledges receipt of, *inter alia*, 75 pages of specification, claims, and abstract and 29 sheets of drawings containing Figures 1-46. Petitioners request that the application, including Pages 7 & 8 of the specification and drawing Figures 1-17, 20, 24-31, 33-36, 38, 40, 42 & 44-46, be accorded a filing date of 17 January, 2002.


A review of the record reveals that no Pages 7 & 8 of the specification or sheets of drawings containing Figures 1-17, 20, 24-31, 33-36, 38, 40, 42 & 44-46 have been located among the application papers deposited on 17 January, 2002. However, the evidence is convincing that the application papers deposited on 17 January, 2002, included Pages 7 & 8 of the specification as well as drawing Figures 1-17, 20, 24-31, 33-36, 38, 40, 42 & 44-46, which were subsequently misplaced in the Office. Therefore, the application, including Pages 7 & 8 of the specification and the 21 sheets of drawings containing Figures 1-17, 20, 24-31, 33-36, 38, 40, 42 & 44-46 as described in the specification, is entitled to a filing date of 17 January, 2002.

The "Notice" mailed on 21 February, 2002, is vacated. The petition fee will be refunded to counsel's deposit account, No. 15-0700.

The application will be processed and examined using the application papers filed on 17 January, 2001; the copies of Pages 7 & 8 of the specification and 20 sheets of drawings containing Figures 1-17, 20, 24-31, 33-36, 38, 40, 42, 44, and 46 supplied on 17 April, 2002, and the copy of one (1) sheet of drawings containing Figure 45 supplied on 12 August, 2002.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 17 January, 2002, using the application papers filed on 17 January, 2002; the copies of Pages 7 & 8 of the specification and 20 sheets of drawings containing Figures 1-17, 20, 24-31, 33-36, 38, 40, 42, 44, and 46 supplied on 17 April, 2002, and the copy of one (1) sheet of drawings containing Figure 45 supplied on 12 August, 2002, and for an indication on the bib-data sheet that 29 sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 703.308.6918.

  
Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy